

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:00CV32

H. DEAN ALLISON, <i>et al.</i>,)	
)	
This document pertains to:)	
ROBERT F. BOST, and wife MILDRED)	
BOST; WILLIAM C. THOMAS; and)	
CAROLYN I. WAGNER, Individually and as)	
Executrix of the Estate of Kenneth L.)	
Wagner, Deceased,)	
)	
Plaintiffs,)	
)	
Vs.)	
)	
DANIEL CONSTRUCTION COMPANY,)	
INC. and DANIEL INTERNATIONAL)	
CORPORATION,)	
)	
Defendants.)	
<hr style="width:50%; margin-left:0;"/>)	

ORDER OF DISMISSAL WITHOUT PREJUDICE

THIS MATTER is before the Court on the joint motion of the captioned Plaintiffs and Defendants Daniel Construction Company, Inc., and Daniel International Corporation, to dismiss their claims without prejudice as to Defendants.

Plaintiffs William C. Thomas and Carolyn I. Wagner, Individually and as Executrix of the Estate of Kenneth L. Wagner, Deceased, previously dismissed their claims without prejudice as to Defendants by Order filed August 15, 2007. This motion will be denied as moot as to those parties.

For the reasons stated in the motion, and upon consent of Plaintiffs Robert F. Bost, and wife Mildred Bost,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the joint motion to dismiss is **ALLOWED IN PART**, and the claims of Plaintiffs Robert F. Bost, and wife Mildred Bost, against the Defendants Daniel Construction Company, Inc., and Daniel International Corporation, are hereby **DISMISSED WITHOUT PREJUDICE**, and those Plaintiffs may be terminated from the action.

IT IS FURTHER ORDERED that the joint motion to dismiss as to Plaintiffs William C. Thomas, and Carolyn I. Wagner, Individually and as Executrix of the Estate of Kenneth L. Wagner, Deceased, is **DENIED AS MOOT**.

Signed: October 18, 2007

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

